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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

YIMAM, HARUN M

ART UNIT PAPER NUMBER

2611

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/916,704	Applicant(s) GOLDSCHMIDT IKI ET AL.	
	Examiner Harun M. Yimam	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 11/09/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,295,646 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

2. Applicant's arguments filed 11/09/05 with respect to claims 1-20 have been fully considered but they are not persuasive.

3. In response to applicant's argument (page 3, 1st paragraph) that in Matthews, it is not clear what would happen "upon selection by a user", the Examiner would like to point out that column 5, lines 6-30 in Matthews clearly discloses that upon the user focusing on the video programming tile, the programming is tuned to and rendered within the video programming tile 102a.

4. In response to applicant's argument (page 3, 2nd paragraph) that there is no indication in Matthews that a particular area of a window is to be selected, the Examiner

would like to point out that Matthews discloses that a viewer can use a cursor, 108 in figure 4, for program selection (column 5, lines 6-10). By definition, a cursor is a movable indicator on a display, which can be moved around without any limitations. Matthews further discloses different selectable sections of each video programming tile/window, which includes a channel number, a channel logo, and a name corresponding to the programming.

5. In response to applicant's argument (page 3, 3rd paragraph) that there is no disclosure in Matthews of displaying certain kinds of data in response to a user selection, the Examiner would like to point out that the tuned programming rendered within the video programming tile equates to the description of the respective selection (column 5, lines 16-28).

6. In response to applicant's argument (page 3, 4th paragraph) that there is no disclosure in Matthews of a trait nor of an identification process, the Examiner would like to first point out that trait by definition is a distinguishing feature or characteristic. Column 10, lines 38-40 in Matthews discloses receiving a preferred trait from the user (viewer groups together channels most frequently accessed i.e., thereby characterizing those channels) and identifying entertainment selections with the preferred trait by reference to a database (the most frequently accessed channels, which are comprised in the modified channel arrangement listing, can be identified by referring to memory 68 of figure 2).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-7 and 9-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Matthews, III (US 5,815,145).

Considering claim 1, Matthews discloses a method for presenting entertainment selections (selecting a video programming tile-102 using a keypad-90—column 4, lines 35-43), comprising: displaying video data of a first entertainment selection on a first window (multiple video programming tiles, 102 in figure 4, corresponding to different a programming are displayed—column 4, lines 44-55); displaying video data of a second entertainment selection on a second window (102 in figure 4); and displaying entertainment system data regarding the entertainment selection corresponding to the

respective window upon selection by a user of the respective window (column 5, lines 6-30).

As for claim 2, Matthews discloses displaying further entertainment system data corresponding to the first entertainment selection in a first area of the first window (channel logo or icon in 102a of figure 4—column 4, lines 49-60); and displaying further entertainment system data corresponding to the second entertainment selection in a first area of the second window (each tile includes a channel identification panel 106 in figure 4 for identifying the corresponding channel with a channel number, channel logo or icon and name of the program or the program provider—column 4, lines 49-60); wherein selection of the respective window comprises selection of the respective first areas of the respective windows (a viewer can use a cursor, 108 in figure 4, anywhere on the video programming tile 102 for program selection—column 5, lines 6-10).

With regards to claim 3, Matthews discloses displaying still further entertainment system data corresponding to the first entertainment selection in a second area of the first window (name of the program or the program provider in 102a of figure 4—column 4, lines 49-60); and displaying still further entertainment system data corresponding to the second entertainment selection in a second area of the second window (each tile includes a channel identification panel 106 in figure 4 for identifying the corresponding channel with a channel number, channel logo or icon and name of the program or the program provider—column 4, lines 49-60); wherein selection of the respective window comprises selection of the respective second areas of the respective windows (a

viewer can use a cursor, 108 in figure 4, anywhere on the video programming tile 102 for program selection—column 5, lines 6-10).

Regarding claim 4, Matthews discloses that the further entertainment system data in the first area comprises at least one of a call sign of the entertainment selection source, a channel of the entertainment selection source, a title of the entertainment selection, rating information of the entertainment selection, time of broadcast of the entertainment selection, and length of broadcast of the entertainment selection (each programming tile includes a channel identification panel 106 in figure 4 for identifying the corresponding channel with a channel number, channel logo or icon and name of the program or the program provider—column 4, lines 49-60).

Considering claim 5, Matthews discloses that the entertainment system data displayed upon selection of the respective window comprises at least one of a description of the respective entertainment selection and a critique of the respective entertainment selection (the tuned programming rendered within the video programming tile equates to the description of the respective selection—column 5, lines 16-28).

As for claim 6, Matthews discloses that the video data comprises video images (image frame or still images of the programming) of the respective entertainment selections (column 5, lines 36-44).

With regards to claim 7, Matthews discloses that the video images comprise a still image taken from a real-time broadcast of the respective entertainment selections (column 5, lines 36-44).

Considering claim 9, Matthews discloses determining a user's preference of entertainment selection sources (channels most frequently accessed by the user); obtaining video data corresponding to entertainment selections broadcasted on the preferred entertainment selection sources (column 10, lines 34-42); and wherein the first and second entertainment selections are selected from among the obtained video data (column 10, lines 34-47).

As for claim 10, Matthews discloses receiving a preferred trait from the user (column 10, lines 38-40), the trait being related to at least one entertainment selection (most frequently accessed channels); identifying entertainment selections with the preferred trait by reference to a database (memory 68 of figure 2) of entertainment selections; and wherein the first and second entertainment selections are selected from among the identified entertainment selections (column 10, lines 34-47).

With regards to claim 11, Matthews discloses a graphical user interface (GUI) (video program guide 100 in figure 4), comprising: a first window that displays video data of a first entertainment selection (multiple video programming tiles, 102 in figure 4, corresponding to different a programming are displayed—column 4, lines 44-55); a

second window that displays video data of a second entertainment selection (102 in figure 4); the first and second windows comprising selectable multimedia identifiers (cursor 108 in figure 4) that can be selected by a user to cause the display of descriptive information regarding the entertainment selection corresponding to the respective window (column 5, lines 6-30).

Regarding claim 12, Matthews discloses a first area of the first window that displays an identification (channel identification panel 106 in figure 4) of the source of the first entertainment selection; a second area of the first window that displays a title of the first entertainment selection (name of the corresponding program); a first area of the second window that displays an identification of the source of the second entertainment selection (each video programming tile 102 in figure 4 includes channel identification panel 106 in figure 4 for identifying the corresponding channel with a channel number, channel logo or icon and name of the program or the program provider—column 4, lines 49-60); and a second area of the second window, that displays a title of the second entertainment selection; wherein selection of the respective window comprises selection of the respective second areas of the respective windows (column 5, lines 2-30).

Considering claim 13, Matthews discloses a navigation tool (keypad 90 in figure 3) that allows a user to view additional windows that display video data of additional entertainment selections on the GUI (column 4, lines 37-42 and column 5, lines 2-5).

As for claim 14, the claimed limitations are met by claim 5.

With regards to claim 15, the claimed limitations are met by claim 10.

Regarding claim 16, the claimed limitations are met by claim 8.

Considering claim 17, Matthews discloses a machine-readable medium (20 in figure 2) having stored thereon data representing sequences of instructions which, when executed by a machine, cause the machine to perform operations (column 3, lines 30-38 and column 4, lines 9-42) comprising: displaying video data of a first entertainment selection on a first window (multiple video programming tiles, 102 in figure 4, corresponding to different a programming are displayed—column 4, lines 44-55); displaying video data of a second entertainment selection on a second window (102 in figure 4); and displaying entertainment system data regarding the entertainment selection corresponding to the respective window upon selection by a user of the respective window (column 5, lines 6-30).

As for claim 18, the claimed limitations are met by claim 2.

With regards to claim 19, the claimed limitations are met by claim 3.

Regarding claim 20, the claimed limitations are met by claim 10.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III (US 5,815,145) in view of Broadwin (US 5,903,816).

Considering claim 8, Matthews discloses a multi-frame screen display of entertainment selections (column 4, lines 44-55).

Matthews fails to disclose a full-screen display of the corresponding entertainment selection upon selection by the user of the respective window.

In analogous art, Broadwin discloses thumbprints of MPEG still images (figure 18) that may be selected to a full-screen display (column 18, lines 5-8 and 33-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews system to include a full-screen display of the corresponding entertainment selection, as taught by Broadwin, for the benefit of viewing a still image in its full size (column 18, lines 33-37).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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